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4 JAMES W SCHUBERT,
5 Plaintiff,
6 v.
7 THE BANK OF NEW YORK MELLON, et
8 al.,
9 Defendants.

10 Case No. 17-cv-00856-KAW
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13 **ORDER GRANTING REQUEST TO**
14 **DISMISS ACTION WITHOUT**
15 **PREJUDICE**

16 Re: Dkt. No. 65
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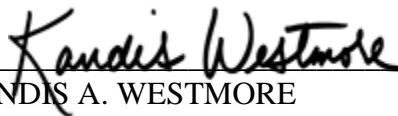
18 On August 19, 2019, Plaintiff James W. Schubert personally filed a request that the Court
19 dismiss the case without prejudice. (Pl.'s Req. to Dismiss, Dkt. No. 65.) Defendants' opposition
20 was due on September 3, 2019. As of the date of this order, no opposition has been filed.

21 Currently, Plaintiff's attorney of record is Daniel Alan Grout. Mr. Grout, however, has
22 failed to respond to numerous orders, including a July 31, 2019 order to show cause. (Dkt. No.
23 64; *see also* Dkt. Nos. 59, 60.) Thus, the Court finds that Mr. Grout has effectively abandoned
24 Plaintiff, and accepts Plaintiff's filing.

25 Accordingly, the Court GRANTS Plaintiff's request to dismiss the case without prejudice.
26 The Clerk of the Court is directed to close the case and serve a copy of this order on Plaintiff.

27 IT IS SO ORDERED.
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Dated: September 10, 2019


29 KANDIS A. WESTMORE
30 United States Magistrate Judge
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